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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,504	12/19/2001	Tetsuya Fujii	016907/1339	8509

22428 7590 05/11/2005

FOLEY AND LARDNER  
SUITE 500  
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WASHINGTON, DC 20007

EXAMINER
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NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/021,504

Applicant(s)

FUJII, TETSUYA

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1, 3, and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date December 19, 2001.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Turpin et al (US 5,74,593).

Regarding claims 1, 3, and 7, as shown in Figures 1-3, Turpin discloses a peripheral equipment of a computer comprising:

a communication section (309) connected to the computer (301) via a network;

an operation section (310) perform an operation changing a network setup of the communication section;

a first storage section (automation partition, 307) to save a current network setup value (custom MBR code) set in the communication section (col. 5: lines 55-58);

a second storage section (second location, 307) to previously store a fixed network setup value (normal MBR code; col. 5: liens 58-60);

means for saving (loading) in the first storage section the network setup value set in the communication section in accordance with an operation command (boot automation partition)

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from the communication section (steps 216-223, 226, e.g., if the computer system should be booted from the automation partition, the operating system and LAN drivers are loaded; col. 5: lines 41-50; and col. 6: lines 55-62) ; and

means for setting in the communication section the fixed network setup value stored in the second storage section, in place of the saved network setup value (steps 209-213, e.g., if the computer system should boot normally, initiate a boot using normal MBR code instead of custom MBR code; col. 4: lines 39-54).

Regarding claim 3, Turpin also discloses means transmitting and receiving various types of adjusted values and service information (e.g., booting a different operating system, reconfiguring the computer hardware, etc.) of the equipment to/from the computer by using the communication section, wherein the second storage section previously stores fixed network setup value which enables communication with specific computer (col. 7: lines 6-23).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin et al, as applied to claim 1 above, in view of Steven (US 6,519,659).

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Turpin discloses substantially all the claimed limitations, except means for resetting the fixed network setup value set in the communication section to the network setup value saved in the first storage section in accordance with another operation command from the operation section.

As shown in Figures 1-8, Steven discloses a system and method for transferring content of at least one storage element to a storage device prior to booting an operating system on the user computer, establishing a communication link between the user computer and the service computer (abstract).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Steven's method of rewriting the content of at least one storage element prior to booting an operating system in Turpin's system, motivated by the needs to take control of the networked computer during the boot process.

***Allowable Subject Matter***

5. Claims 5-6 allowed.

***Conclusion***

6. The mailing date for this first action is hereby reset to 05/06/2005 (instead of the original mailing date of 04/21/2005).

A shortened statutory period for reply to this first action is set to expire THREE MONTHS from the mailing date of this action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

The examiner can normally be reached on 8:00 AM - 4:30 PM:

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkkn

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER